

In the Drawings

Please amend Fig. 6 as indicated in red in the attached sheet of drawing, which is labeled as "Annotated Sheet". A copy of Fig. 6 is also enclosed which has been labeled as a "Replacement Sheet".

Please add new Fig 17, to incorporate those materials requested by the Examiner, which has been labeled as a "New Sheet".

New Formal drawings incorporating the changes made therein will be submitted upon receiving an indication from the examiner that the changes to the drawings are acceptable.

It is believed that the changes to Fig 6, and the substance of Fig 17 do not add matter to the application.

Remarks Germain to Notice of Non-compliant Amendment

In the Notice of Non-Compliant Amendment, the Examiner raised two primary sets of objections.

The first set of objections related to the drawings. According to the Notice, the newly submitted drawings were not properly identified in the top margin as being either Replacement Sheets, New Sheets or Annotated Sheets, as required.

With this Response, the Applicant has submitted three (3) sheets of informal drawings.

One sheet is labeled “Annotated Sheet”, that shows the changes made to Fig. 6 in red ink.

A photocopy of this showing the changes is also submitted as “Replacement Sheet” to Fig. 6.

Finally, a sheet showing Fig. 17 is submitted, with a heading labeled “New Sheet”. This re-submission should overcome the Examiner’s Objections.

The other objection lodged by the Examiner related to the status identifiers for Claims 7-15. With this Response, Claims 7-13 and 15 have been changed, (although not amended in substance) to include proper status identifiers. Additionally, Claims 7-13 and 15 now include the status identifier as “Withdrawn”, in addition to any other status identifier that is appropriate.

As requested by the Examiner, Claim 14 has been labeled as “Cancelled”.

From the Applicant’s Attorney’s conversation with the Examiner, it was understood that Claims 7-13 and 15 will become re-entered into the case, if they become dependent upon an allowable generic claim.

With these amendments to the claims and the drawings, the Applicant believes that the Examiner’s Objections have been overcome, and rendered moot. As such, the Applicant believes

that the application is now in compliance with all Office requirements.

The Applicant would also note that the remainder of the Amendment that was originally submitted on 4 March 2005, is included in this Response, in a form virtually identical to that submitted on 4 March 2005. Consideration and examination of this Amendment is respectfully requested by the Applicant.

It should also be noted that a copy of the previously filed Supplemental Information Disclosure Statement is attached to this Official Action. Although the Applicant believes that this Supplemental Information Disclosure Statement should have been acceptable when previously submitted (on 4 March 2005), the Applicant now submits another copy out of an overabundance of caution, to ensure that it, along with the prior art cited therein, is properly considered by the Examiner.

Remarks Germain to Official Action

A. Substance of the Interview

The Examiner is thanked for the courtesies extended to Andrew Ordin, an inventor of the instant application, and E. Victor Indiano, the Attorney of Record for the instant application at the interview of 8 February 2005.

At the interview, a sample wheel produced according to the teachings of the present invention was shown to the Examiner, along with two pie-shaped sections, one section cut from the wheel of the present invention, and the second cut from a prior art wheel, both of which were manufactured by Compositech, Inc., the assignee of the present invention.

The independent claims that were not allowed were discussed, along with the references cited by the Examiner. In particular, the Klieber reference was discussed. Applicants pointed

out that they did not believe that the Klieber reference disclosed or suggested providing first and second air-engaging side surfaces that contain a plurality of surface features designed to create a turbulent boundary layer when the wheel travels through air to reduce aerodynamic drag, as recited in the claims.

Additionally, we discussed matters relating to the Examiner's objections to the Specification, the Drawings, and certain prior art references that the Examiner was not able to fully consider due to a typographical error contained on the PTO-1449 (Tsai reference), and the failure to provide a clear copy of another reference (French patent 2,583,680).

The Examiner is thanked for the courtesies extended to the Applicant in making helpful suggestions to overcome these objections.

As set forth in the Examiner's Interview Summary, an agreement was generally reached that all claims would be allowable, upon further review of the Klieber reference, to determine whether it disclosed or suggested providing any teaching or suggestion of providing surface features designed to create a turbulent boundary layer when the wheel traveled through air to reduce aerodynamic drag.

B. Priority Issues

In the Official Action, the Examiner requested that the application should contain a reference to co-pending application PCT/US03/31669 filed 3 October 2003.

With this Response, such a reference has been added to the Specification.

C. Information Disclosure Statement

The Examiner asserted that the Information Disclosure Statement was deficient because it failed to include a legible copy of French Reference No. 2,583,680, and did not include an

accurate reference to Tsai, U.S. Patent No. 4,995,675.

With this Response, the Applicant has submitted a Supplemental Information Disclosure Statement. This Supplemental Information Disclosure Statement includes both a legible copy of the French reference, and an amended PTO-1449 that recites the correct patent number of the Tsai reference. Additionally, copies of the French reference and the Tsai reference are enclosed for review by the Examiner. With this Supplemental Information Disclosure Statement, the Applicant believes that the Examiner's objection to the Information Disclosure Statement has been overcome.

D. The Drawings

1. New Figure 17

The Examiner next objected to the drawings, believing that they did not show every feature of the invention specified in the claims. In particular, the Examiner believed that the wheel was not shown having a brake engaging portion and a tire engaging portion that were formed separately from the first and second air-engaging surfaces.

With this Response, the Applicant has amended the drawings to include a new Fig. 17. This new Fig. 17 should be reviewed in connection with the Amendment to the Specification to paragraph 49. The Applicant believes that new Fig. 17 does not add new subject matter. In particular, paragraph 49 of the originally-filed application discusses "clincher" type rims of the type shown in the Sargent and Hed patents. The Sargent patent being referred to is the Sargent '645 patent discussed earlier in the Specification.

Turning now to Fig. 17, you will notice that it is generally similar to Fig. 6 of the drawings of the Sargent patent, except that the air-engaging first and second side surfaces have

been changed to include the surface features of the present invention. The surface features shown are similar to those shown in Figs 1-9.

In the amended portion of the Specification, new reference numerals have been added for the purpose of clarity, and the text has been amended to improve readability.

Nonetheless, it is believed that adding Fig. 17 does not add any new matter to the application that is not already disclosed in the application, either directly or by reference to the cited Sargent '645 patent.

2. Amended Figure 6

The Examiner next objected to the drawings, because he believed that they failed to show the surface features as being depressions as described in the Specification. Rather, the Examiner believed that the drawings showed "through holes".

Although the Applicant does not believe that the drawings showed "through holes", the Applicant has amended the Fig. 6, to more clearly show the "blind hole"-like nature of the depressions.

This amendment was made only to Fig. 6 because the depressions shown in Fig. 6 are generally larger in size (on the drawing), thereby making Fig. 6 more easily correctable than the other Figures. To better illustrate the "depression and not through hole" nature of the depressions, shading has been added to the base of the depressions.

It is believed that with the addition of Fig. 17, and the amendment to Fig. 6, along with the changes made to the Specification to paragraph 49, that the Examiner's objections to the drawings have been overcome, without adding new matter.

E. Allowable Claims

In the Official Action, the Examiner noted that Claims 4 and 5 were objected to but would be allowable if re-written in independent form. In this Response, the Applicant has so amended Claim 4 to place it in independent form. As Claim 5 depends from Claim 4, there is no need to place it in independent form.

The Examiner is thanked for the allowance of Claims 4 and 5.

F. Non-Elected Claims

In the Official Action, the Examiner withdrew Claims 7-15 as they were not being drawn to an elected embodiment. In particular, there was no allowable generic claim, from which each of these dependent claims could depend.

In this Response, the Applicant has amended Claims 7-15, so that each depends, either directly or indirectly, from allowed Claim 4. With this change in dependency, the Applicant submits that a generic claim (Claim 4) now exists that links all of the embodiments together, and that the Examiner's objections have been overcome.

G. Substantive Rejections

The remaining claims, Claims 1-3, 6 and 16-21 were rejected under one or a combination of Klieber, Drews and Blood. For the reasons set forth above, it is believed that none of the references disclose or suggest providing a human powered vehicle wheel having the features recited in the Applicant's Claim 1. After having reviewed the Klieber reference for a second time, Applicant's opinion has reinforced that Klieber does not disclose or suggest providing surface features to create a turbulent boundary layer on his covers 6. As such, the Applicant submits that independent Claims 1 and 21 patentably distinguish the Applicant's invention from the art of record, without need for further amendments.

However, even if it would be believed that the series of lines shown on Klieber could constitute such surface features, the series of parallel lines shown in Klieber would not comprise surface features having closed plane figure profiles, as recited in Applicant's newly added Claim 22.

Extension of Time

Applicants believe that an extension of time for one month is required for this response, and Applicants hereby request an Extension of Time for this time period or whatever time period is appropriate. **E. Victor Indiana's Deposit Account 50-1950** may be charged if the appropriate amount is not attached herewith

Conclusion

The Applicants believe that their claims patentably distinguish the art of record. Re-examination and re-consideration, culminating in allowance of all claims in the application is therefor respectfully requested. If the Examiner has any questions relating to the instant application, he is respectfully requested to contact the Applicants' attorney, E. Victor Indiana at (317) 822-0033; or by e-mail at Vic@IPLawIndiana.com.

Applicant requests that any required fees needed beyond those submitted with this Response be charged, or any overpayments be credited to the Deposit Account of E. Victor Indiana, **Deposit Account Number 50-1590**.

Respectfully submitted,
Compositech, Inc.



E. Victor Indiana, Its Attorney
Reg. No. 30,143

Encl: Supplemental Information Disclosure Statement (with references)
Annotated Sheet of Fig. 6
Replacement Sheet of Fig. 6
New Sheet of Fig. 17

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